

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 769

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT, AND IMPLEMENTATION FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2023; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT FUND FOR FISCAL YEAR 2023; PROVIDING REQUIREMENTS FOR USE OF MONEYS FOR WATER PROJECTS; PROVIDING REQUIREMENTS FOR ELIGIBLE WATER PROJECTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$855,300	\$871,000			\$1,726,300
Indirect Cost Recovery					
Fund	376,800	195,600	\$6,000		578,400
Water Administration					
Fund		22,100			22,100
Miscellaneous Revenue					
Fund	<u>0</u>	<u>171,200</u>	<u>0</u>		<u>171,200</u>
TOTAL	\$1,232,100	\$1,259,900	\$6,000		\$2,498,000

	FOR	FOR	FOR	FOR	TOTAL	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND		
	COSTS	EXPENDITURES	OUTLAY	BENEFIT		
				PAYMENTS		
5	II. PLANNING AND TECHNICAL SERVICES:					
6	FROM:					
7	General					
8	Fund	\$3,627,100	\$637,300	\$15,000	\$6,908,500	\$11,187,900
9	Indirect Cost Recovery					
10	Fund		69,400			69,400
11	Aquifer Planning and Management					
12	Fund	1,081,000	453,800			1,534,800
13	Miscellaneous Revenue					
14	Fund		164,500			164,500
15	ARPA State Fiscal Recovery					
16	Fund			15,000	100,000,000	100,015,000
17	Federal Grant					
18	Fund	<u>329,400</u>	<u>832,700</u>	<u>0</u>	<u>0</u>	<u>1,162,100</u>
19	TOTAL	\$5,037,500	\$2,157,700	\$30,000	\$106,908,500	\$114,133,700
20	III. WATER MANAGEMENT:					
21	FROM:					
22	General					
23	Fund	\$6,231,700	\$2,155,800	\$70,000		\$8,457,500
24	Indirect Cost Recovery					
25	Fund		72,500			72,500
26	Water Administration					
27	Fund	1,486,300	233,000			1,719,300
28	Miscellaneous Revenue					
29	Fund	981,200	307,200			1,288,400
30	ARPA State Fiscal Recovery					
31	Fund			15,000		15,000
32	Federal Grant					
33	Fund	<u>270,500</u>	<u>341,900</u>	<u>0</u>		<u>612,400</u>
34	TOTAL	\$8,969,700	\$3,110,400	\$85,000		\$12,165,100
35	IV. NORTHERN IDAHO ADJUDICATION:					
36	FROM:					
37	General					
38	Fund	\$346,800	\$187,300			\$534,100

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
5 Northern Idaho Adjudication					
6 Fund	<u>0</u>	<u>38,000</u>			<u>38,000</u>
7 TOTAL	\$346,800	\$225,300			\$572,100
8 V. BEAR RIVER BASIN ADJUDICATION:					
9 FROM:					
10 General					
11 Fund	\$425,000	\$140,400	\$50,000		\$615,400
12 GRAND TOTAL	\$16,011,100	\$6,893,700	\$171,000	\$106,908,500	\$129,984,300

13 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
14 Idaho Code, the Department of Water Resources is authorized no more than one
15 hundred sixty-eight (168.00) full-time equivalent positions at any point
16 during the period July 1, 2022, through June 30, 2023, unless specifically
17 authorized by the Governor. The Joint Finance-Appropriations Committee
18 will be notified promptly of any increased positions so authorized.

19 SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING. There is hereby appro-
20 priated to the Department of Water Resources and the Office of the State Con-
21 troller shall transfer \$716,000 from the Revolving Development Fund to the
22 Aquifer Planning and Management Fund on July 1, 2022, or as soon thereafter
23 as practicable for the period July 1, 2022, through June 30, 2023, to be used
24 for aquifer monitoring, measurement, and modeling.

25 SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appro-
26 priated to the Department of Water Resources in Section 1 of this act for the
27 Planning and Technical Services Program from the General Fund, the Office
28 of the State Controller shall transfer \$5,000,000 to the Secondary Aquifer
29 Planning, Management, and Implementation Fund on July 1, 2022, or as soon
30 thereafter as practicable for the period July 1, 2022, through June 30, 2023,
31 to be used for aquifer recharge and management.

32 SECTION 5. CASH TRANSFER FOR THE FLOOD MANAGEMENT PROGRAM. Of the
33 amount appropriated to the Department of Water Resources in Section 1 of this
34 act for the Planning and Technical Services Program from the General Fund,
35 the Office of the State Controller shall transfer \$1,000,000 to the Water
36 Management Fund on July 1, 2022, or as soon thereafter as practicable for
37 the period July 1, 2022, through June 30, 2023, to be used for hydrologic
38 data collection, monitoring and modeling, flood-damaged stream channel
39 repair, stream channel improvement, flood risk reduction, or flood pre-
40 vention projects. These moneys shall be administered by the Idaho Water

1 Resource Board through a competitive, matching grant process that priori-
2 tizes projects based on the public benefits they provide.

3 SECTION 6. CASH TRANSFER FOR LARGE WATER PROJECTS. There is hereby ap-
4 propriated to the Department of Water Resources and the Office of the State
5 Controller shall transfer \$75,000,000 from the General Fund to the Water
6 Management Fund on July 1, 2022, or as soon thereafter as practicable for
7 the period July 1, 2022, through June 30, 2023, to be used for large water
8 projects such as the Anderson Ranch Dam capacity increase, Mountain Home Air
9 Force Base water supply project, and recharge projects in the Upper Snake
10 River Valley.

11 SECTION 7. USE OF MONEYS FOR WATER PROJECTS. Of the moneys provided in
12 Section 6 of this act for water projects, funding shall be used for expendi-
13 tures, loans, or grants for water projects, including studies, to address
14 water sustainability, rehabilitate or improve aging water infrastructure,
15 or support flood management. No more than one-third of these moneys shall be
16 used for grants. The Idaho Water Resource Board shall develop criteria, tak-
17 ing into account the public's input for the expenditures of money for grants,
18 which shall be competitive, matching grants that prioritize projects based
19 on the public benefits they provide. Considerations of public benefits
20 should include the protection of existing water rights, the uses identified
21 in Section 42-1760(2)(d), Idaho Code, which include consideration of the
22 value of existing hydropower to the state's economy, providing water for
23 future development, and addressing aging water storage and delivery infra-
24 structure for projects that provide environmental, safety, or recreational
25 benefits. For any project receiving grants issued pursuant to the crite-
26 ria developed under this section, the \$50,000 grant limitation of Section
27 42-1760(2)(b), Idaho Code, shall not apply.

28 SECTION 8. WATER PROJECTS ELIGIBLE FOR FUNDING FROM THE AMERICAN RESCUE
29 PLAN ACT (ARPA). It is the intent of the Legislature to provide approximately
30 \$250,000,000 of American Rescue Plan Act (ARPA) funding to support projects
31 managed by the Idaho Water Resource Board. Moneys shall be appropriated from
32 the ARPA State Fiscal Recovery Fund for this purpose. Projects may include:

33 (a) The continued identification, study, construction, or enlargement
34 of managed aquifer recharge sites above Milner Dam in accordance with
35 Section 42-1760(2)(c) and (d), Idaho Code, that, based on scientific
36 data and technical analysis, addresses the restoration of the Eastern
37 Snake Plain Aquifer;

38 (b) The enlargement of Anderson Ranch Reservoir, located on the South
39 Fork of the Boise River;

40 (c) Construction of water delivery and treatment systems for Mountain
41 Home Air Force Base, provided that the Idaho Water Resource Board shall
42 have the authority to transfer ownership of the state-constructed pump
43 station and pipeline to the base at no cost upon completion, and pro-
44 vided further that, notwithstanding the transfer of the pump station
45 and pipeline, the Snake River water rights for the project shall remain
46 in the board's ownership; and

1 (d) The design, planning, construction, and implementation of other
2 ARPA-eligible water resource management programs, plans, and projects
3 approved by the board.

4 SECTION 9. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after
6 July 1, 2022.